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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,506	03/28/2001	Dennis Sunga Fernandez	FERN-P001D	8534

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FERNANDEZ & ASSOCIATES LLP
1047 EL CAMINO REAL
SUITE 201
MENLO PARK, CA 94025

EXAMINER

VO, TUNG T

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/823,506	Applicant(s) FERNANDEZ ET AL.	
	Examiner Tung Vo	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-37 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/15/2006 has been entered.

Claims

2. Claims 1-19 were canceled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20, 22-31, 33 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinton (US 5,204,670) in view of Horton et al. (US 5,615,123).

Re claims 20, 23, 30-31, and 33, Stinton teaches an integrated prisoner (abuser) surveillance system (figs. 1 and 14) using fixed and mobile processor communication, the system comprising:

a processor (34 of fig. 1) coupled to a packet-switched digital network (38 of fig. 1; the CPU (34 of fig. 1) can be coupled through the telephone communication link, or other appropriate communication links, to a large number of remote monitoring areas, e.g. a cellular telephone link, col. 21, lines 34-35), the processor accessing a database including a representation of an identity and a location of at least one remote prisoner (210 of fig. 1; see details of figure 13B);

a mobile communications unit (30, 40 of fig. 1 and 30 and 40' fig. 4A) physically associated with a remote prisoner (140 of fig. 12) for monitoring a sensed condition or location (150, 43' of fig. 14) according to a GPS device (Note that various tracking software modules may also be used to allow the system to track a tag wearer, either within an institution (as an RF transmitting tag comes within range of strategically placed FMD units throughout the institution), or throughout a much larger area, such as could be achieved with satellite tracking that means GPS device; and when contact is made, the host computer will screen the person making contact to make sure of the person's identify, and in some instances (e.g., where the person is supposed to remain in a certain geographic area) that the person is within an assigned area when the contact is made. Such determination is made using conventional telephone monitoring apparatus coupled to the host CPU that determines a particular area code and/or region from which a received telephone call originates) at least one of such remote prisoner, the mobile communications unit (44 of fig. 1) communicating wirelessly with the processor (40 of fig. 1) through the digital network (38 of fig. 1); and

a first detector (148 of fig. 4) coupled to the digital network and selected by the processor (34 of fig. 1) for observing the remote prisoner automatically via real-time video or infrared imaging when such remote prisoner is determined by the processor (col. 10, lines 29-col. 15, line 5) to be located within a first observation range of the selected first detector.

The Stinton's disclosure is used for the prisoner, so one skilled in the art would obviously use the Stinton's disclosure for a remote animal and still serve the same purpose.

It is noted that Stinton does not particularly enabling an audio/visual message to be delivered electronically to the remote prisoner (animal) and an electronic file comprising a recorded or live voice or music transmission is provided to the remote prisoner, and the mobile communications unit comprises an accelerometer as claimed.

However, Horton teaches a orientation tracking system for enabling an audio/visual message to be delivered electronically to the remote prisoner (animal) (col. 2, lines 52-67), wherein an electronic file comprising a recorded or live voice or music transmission is provided to the remote prisoner (animal) (col. 2, lines 59-62; e.g., video, audio, tactile, and/or olfactory information is transmitted to the user), and the mobile communications unit comprises an accelerometer (1-6 of fig. 1).

Therefore, taking the teachings of Stinton and Horton as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Horton into the system of Stinton in order to provide the accelerometer embodied in a small, lightweight unit that is easily attached to an animal (a human user) without significant interference to nature of body movements and easily transmitting the audio or visual messages to the animal or human user.

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Doing so would provide guidance information for the animal (human user) when the animal or human user is out of the predetermined range.

Re claim 22, Stinton further teaches a position signal being generated by the mobile communications unit coupled to the remote prisoner when such remote prisoner (animal) is moveable within an observable range (32 of fig. 1) an observation signal being generated by the first detector uncoupled to such remote prisoner (animal) in the observable range (148 of fig. 14)

Re claim 24, Stinton further teaches a software agent associated with such remote prisoner accesses a database (200, 210 of fig. 13B).

Re claim 25, Stinton further teaches a portable identifier (42, 44, and 45 of fig. 1; Note where the "ID unit" refers to a "passive" identification unit that transmits an identification signal, and/or other identification information, only in response to an interrogation signal generated by a host device) associated with such remote prisoner is used for communication therewith.

Re claim 26, Stinton further teaches an object representation of such remote prisoner comprises an object name, an object identifier, an object group, an object query, an object condition, an object status, an object location, an object time, an object error, or an object image, video, or audio broadcast signal (stored image of the offender captured by the camera 148 of fig. 14).

Re claim 27, Stinton further teaches the observable range is modifiable according to a rule set (34 of fig. 1).

Re claim 28, Stinton further teaches the remote prisoner is monitored temporarily using an extrapolated or last- stored positional or visual signal (36 of fig. 1, stored the prisoner or offender information).

Re claim 29, Stinton the remote prisoner is authenticated according to a voice pattern or a magnetic or smart-card signal (Note further, the biomedical condition of the individual at the time of the appearance before the FMD (40' of fig. 14), as detected by the biometric sensors (43' and 150 of fig. 14) could be included in the signals sent to the CPU. Parameters that could optionally be included for sensing by the biometric sensors (43' and/or 150 of fig. 14) include voice, fingerprints, breath analysis, and the like).

Re claim 35-37, Stinton further teaches processor (34 of fig. 1) confirms the remote prisoner identity by processing a visual image of the remote prisoner using adaptive or neural learning software to recognize such prisoner automatically (300 of fig. 13C; col. 20, lines 30-50).

5. Claims 21, 32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinton (US 5,204,670) in view of Horton et al. (US 5,615,123) as applied to claims 20, 31, and 33, and further in view of Carroll et al. (US 5,266,944).

Re claims 21, 32, and 34, the combination of Stinton and Horton does not particularly teach a second detector coupled to the digital network and selected by the processor for observing the remote prisoner (animal) when such remote prisoner (animal) is determined by the processor to have moved and subsequently located within a second observation range of the selected second detector as claimed.

However, Carroll teaches a second detector coupled to the digital network and selected by the processor for observing the remote prisoner (animal) when such remote prisoner (animal) is determined by the processor to have moved and subsequently located within a second observation range of the selected second detector (60b of fig. 4).

Therefore, taking the teachings of Stinton, Horton, and Carroll as a whole. It would have been obvious to one of ordinary skill in the art to modify the teachings of Carroll into the combined system of Stinton and Horton for same purpose of detecting the prisoner (abuser or offender or animal) within the second observation range. Doing so would provide advance notice to the operator (prison guard, animal controller) in the event the offender or prisoner or animal comes out of the predetermined area.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Theimer et al. (US 5,603,054) discloses method for triggering selected machine event when the triggering properties of the system are met and the triggering conditions of an identified user are perceived.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Tung Vo
Primary Examiner
Art Unit 2621